

Adulteration of the product was alleged in the information for the reason that it consisted of a certain decomposed vegetable substance, to wit, decomposed pieces and trimmings of tomatoes.

On October 9, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2976. Adulteration and misbranding of spirits of niter. U. S. v. Charles J. Heineman and Albert T. Evans (Baltimore Drug Co.). Plea of guilty. Fine, \$25. (F. & D. No. 4807. I. S. No. 36222-e.)

On July 16, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles J. Heineman and Albert T. Evans, copartners, trading under the name and style of the Baltimore Drug Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on July 16, 1912, from the State of Maryland into the State of Virginia, of a quantity of spirits of niter which was adulterated and misbranded. The product was labeled: "Golden Horse Shoe Brand * * Trade Mark * * Spirit Nitre Alcohol 92 per cent Ethyl Nitrite 18 min. Manufactured for The Four Co. Norfolk, Va. Guaranteed Serial No. 505A * *."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the ethyl nitrite content was 1.9 per cent, or approximately 8.6 minims per fluid ounce. Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, in that each of the cartons containing the bottles of said product bore the statement, in substance and effect, that the spirits of niter contained 18 minims of ethyl nitrite per fluid ounce, whereas, in truth and in fact, said product contained but 9.1 minims of ethyl nitrite per fluid ounce. Misbranding was alleged for the reason that each of the cartons containing the product bore a statement regarding the ingredients and substances contained therein, to the effect that the product contained 18 minims of ethyl nitrite per fluid ounce, which said statement was false and misleading, in that the product did not contain 18 minims of ethyl nitrite per fluid ounce, but, in truth and in fact, contained 9.1 minims of ethyl nitrite per fluid ounce. While it was alleged in the information that the product contained 9.1 minims of ethyl nitrite per fluid ounce, the analysis showed that it contained but 8.6 minims of ethyl nitrite per fluid ounce.

On October 9, 1913, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2977. Misbranding of wine. U. S. v. 8 Barrels and 2 Kegs of So-called Port Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4816. S. No. 1584.)

On November 18, 1912, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels and 2 kegs of so-called port wine, remaining unsold in the original unbroken packages and in possession of the Globe Tobacco Co., Detroit, Mich., alleging that the product had been shipped on November 7, 1912, by Schaedler & Rhein, Kelleys Island, Ohio, and transported from the State of Ohio into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. The barrels containing the product were labeled: (on one end) "G. T. Co. Detroit, Michigan," (on other end) "Schaedler and Rhein Port Wine, 52 Kelleys Island, Ohio."